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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,621	07/11/2001	Hisashi Tanaka	NEC01P078-TSF	7886
30743	7590	12/29/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/29/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/901,621	TANAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronald Laneau	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,5 and 7-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10232006.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Response to Amendment***

1. The request for reconsideration filed on 7/7/06 has been entered. Claims 1, 3, 5, 7 and 9-12 remain pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject-matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senior (US 2002/0029171 A1) in view of Wiens (US 5,808,894).

Senior discloses a commodity selling system for allowing a user to purchase commodities through a network (page 5, claim 1, lines 1-3), said system comprising: user terminals, each used by a user for connection to the network (fig. 1, Internet Access, Home/Office), said user terminals having a mechanism for identifying one or more purchase candidate commodities for said user (page 4, [0065], 1-5); and a seller server which stores a time of selection of a purchase candidate commodity of said one or more purchase candidate commodities by a user at said user terminal and for storing information related to a plurality of purchase candidate commodities (fig. 1, Web Server), wherein each purchase candidate commodity is selected from a plurality of said commodities appearing on a Web page displayed at one or more user terminals (fig. 8, commodity catalog on the display, and wherein said user terminal displays said information and, if there is any said other information, said other information on said user terminal in response to

a request from said user terminal (page 5, claim 1, paragraphs A and B, fig. 11, History of purchase). Senior does disclose selecting an information related to the purchase of commodity; information is based from a group consisting of current price, delivery date, customized specifications, and accessories to be included with a purchase, does not explicitly disclose new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity but Wiens discloses information file that may be viewed by the customer at any time by selecting a menu choice such as "view recent price changes" or the like from the customer computer (col. 7, lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the updated information as taught by Wiens into the system of Senior because it would allow the customer to have constant access to the most recent prices, availability of services and products offered by the vendor and thus allow the customer to make better decisions concerning whether to purchase particular products or services.

#### *Response to Arguments*

4. Applicant's arguments filed on 7/7/06 have been fully considered but they are not persuasive.

Applicant argues that Wiens does not teach "providing current price, delivery date, customized specifications." In response to Applicant's arguments, Wiens does disclose such features of the claimed invention by allowing a customer to have a choice of selecting a menu application which provides such information to said customer. In other words, the customer can

Art Unit: 3714

have access to this information simply by selecting the needed information under the menu button. Applicant's arguments are deemed unpersuasive, claims 1, 3, 5, and 7-12 are rejected.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Ronald Laneau*

Ronald Laneau  
Primary Examiner  
Art Unit 3714

12/23/06